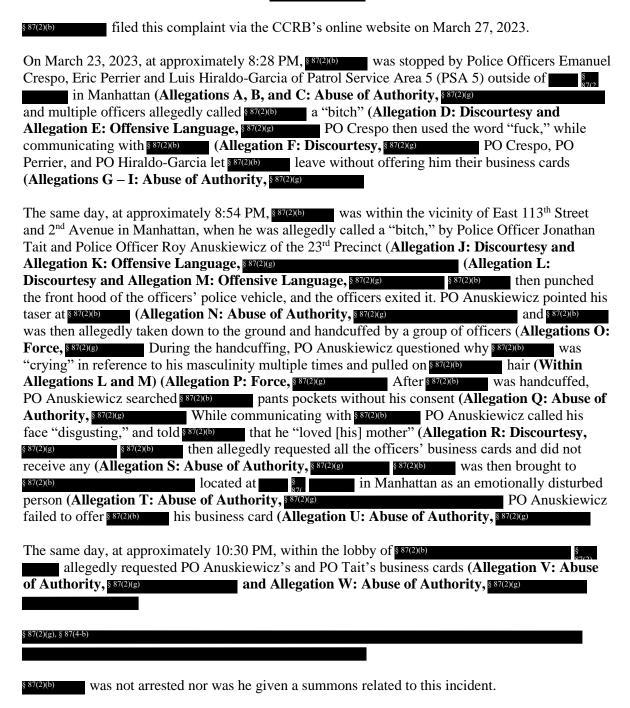
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force	V	Discourt.	U.S.
Kelly Guillon		Squad #17	202302572	<u>√</u>	Abuse	<u></u> ✓	O.L.	_ ☐ Injury
								I
Incident Date(s)		Location of Incident:			18 N	Io. S	OL	Precinct:
Thursday, 03/23/2023 8:28 PM 03/23/2023 8:54 PM, Thursday 10:30 PM		Outside of \$87(2)(b) Street and 2nd Avenue,	East 113th § 87(2)(b)		9/2	3/202	4	23
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	e Rec	eived at CC	RB
Mon, 03/27/2023 6:10 PM		CCRB	On-line website		Mon, 03/2	27/202	23 6:10 PM	I
Complainant/Victim	Type	Home Addre	ss					
Subject Officer(s)	Shield	TaxID	Command					
1. Officers								
2. PO Roy Anuskiewicz	16860	960165	023 PCT					
3. PO Jonathan Tait	16446	966876	023 PCT					
4. PO Eric Perrier	13557	956162	PSA 5					
5. PO Emanuel Crespo	16149	957496	PSA 5					
6. PO Luis Hiraldo-Garcia	02986	963570	PSA 5					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. PO Elliott Johnsongales	07947	967561	023 PCT					
2. PO Connor Lisante	09545	959760	023 PCT					
3. SGT Kenneth Bryant	05129	950119	PSA 5					
4. DTS Anthony Baresi	03675	951522	PSA 5					
5. PO Joel Feliz	08876	966568	043 PCT					
6. PO Steven Grice	17934	961796	PSA 5					
7. PO Joseph Wozniak	10339	970326	PSA 5					
8. PO Amela Dzihic	31626	965064	PSA 5					
9. PO Hemil Mejia	18704	971559	023 PCT					
10. PO Christopher Caleco	09294	970436	023 PCT					
11. PO Artur Espenberg	24642	952713	PSA 5					
12. PO Faysal Bellal	10749	973936	PSA 5					
13. PO Kelvin Gomez	26554	948345	PSA 5					
14. SGT Sujin Samuel	01735	939410	PSA 6					
15. PO John Cannon	29810	973287	HBM RT					
16. PO Joanna Oliver	25308	975066	025 PCT					
17. PO Jake Feldman	19824	963982	025 PCT					
18. SGT Joshua Faranda	02356	938461	025 PCT					
19. PO Alexander Pacult	26746	972154	025 PCT					
20. PO Miguel Abreu	06311	972493	023 PCT					
21. PO Norman Brissett	17999	960280	025 PCT					
22. PO Justin Senese	21424	959978	025 PCT					

Witness Officer(s)	Shield No	Tax No	Cmd Name	
23. Daniel Scott		959973		
Officer(s)	Allegation			Investigator Recommendation
A . PO Emanuel Crespo	Abuse: Outside Officer Emanue	of ^{§ 87(2)(b)} el Crespo stopp	in Manhattan, Police ed § 87(2)(b)	
B . PO Eric Perrier	Abuse: Outside Officer Eric Per	of § 87(2)(b) Trier stopped § 8	in Manhattan, Police	
C . PO Luis Hiraldo-Garcia	Abuse: Outside Officer Luis Hi	of § ^{87(2)(b)} raldo-Garcia st	in Manhattan, Police opped § 87(2)(b)	
D . Officers	Discourtesy: Ou officers spoke d			
E . Officers	Off. Language: officers made regender of § 87(2)(b)	emarks to § 87(2)(
F . PO Emanuel Crespo	Discourtesy: Ou Police Officer F § 87(2)(b)		in Manhattan, o spoke discourteously to	
G . PO Luis Hiraldo-Garcia	Abuse: Outside Officer Luis His with a business	raldo-Garcia fa	in Manhattan, Police iiled to provide § § § § § § § § § § § § § § § § § § §	
H . PO Eric Perrier	Abuse: Outside Officer Eric Per business card.	of § 87(2)(b) crier failed to p	in Manhattan, Police rovide § 87(2)(b) with a	
I . PO Emanuel Crespo	Abuse: Outside Officer Emanue with a business	el Crespo failed	in Manhattan, Police to provide § 87(2)(b)	
J . PO Jonathan Tait		ice Officer Jon	reet and 2nd Avenue in athan Tait spoke	
K . PO Jonathan Tait	Manhattan, Poli	ice Officer Jon	Street and 2nd Avenue in athan Tait made remarks to gender of \$87(2)(b)	
L . PO Roy Anuskiewicz		ice Officer Roy	reet and 2nd Avenue in Anuskiewicz spoke	
M . PO Roy Anuskiewicz		ice Officer Roy	Street and 2nd Avenue in Anuskiewicz made remarks he gender of \$87(2)(6)	
N . PO Roy Anuskiewicz		Roy Anuskiewi	nd 2nd Avenue in Manhattan, cz threatened § 87(2)(b)	
O. Officers	Force: At East 1 officers used ph		d 2nd Avenue in Manhattan, gainst \$87(2)(6)	
P . PO Roy Anuskiewicz			d 2nd Avenue in Manhattan, cz used physical force against	
Q . PO Roy Anuskiewicz			nd 2nd Avenue in Manhattan, cz searched § 87(2)(b)	
R . PO Roy Anuskiewicz		ice Officer Roy	reet and 2nd Avenue in Anuskiewicz spoke	

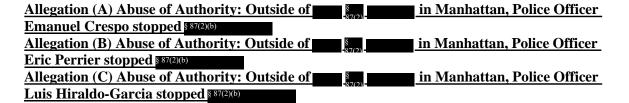
Officer(s)	Allegation	Investigator Recommendation
S . Officers	Abuse: At East 113th Street and 2nd Avenue in Manhattan, officers failed to provide § 87(2)(b) with a business card.	
T . PO Jonathan Tait	Abuse: At East 113th Street and 2nd Avenue in Manhattan, Police Officer Jonathan Tait forcibly removed 887(2)(b) to the hospital.	
U . PO Roy Anuskiewicz	Abuse: At East 113th Street and 2nd Avenue in Manhattan, Police Officer Roy Anuskiewicz failed to provide with a business card.	
V . PO Roy Anuskiewicz	Abuse: At \$87(2)(b) located at \$87(2)(b) in Manhattan, Police Officer Roy Anuskiewicz failed to provide \$87(2)(b) with a business card.	
W . PO Jonathan Tait	Abuse: At \$87(2)(b) located at \$87(2)(b) in Manhattan, Police Officer Jonathan Tait failed to provide \$87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		

Case Summary



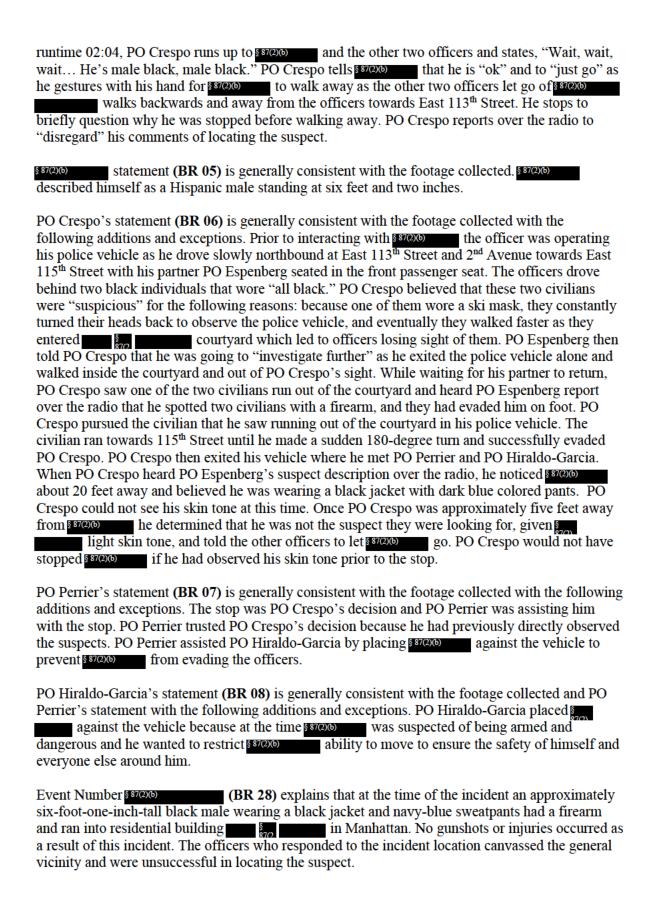
The investigation received 30 body-worn camera (BWC) videos related to the incident (**BR 01 and BR 02**).

Findings and Recommendations



At runtime 00:00 of PO Espenberg's BWC footage (BR 03), the first minute of which has no audio, PO Espenberg is walking alone on a sidewalk as he enters the courtyard of § Manhattan. At runtime 00:19, PO Espenberg approaches the front steps of the building as a black male wearing dark clothing is captured standing at the front entrance of the building looking towards the officer. As PO Espenberg continues to walk towards the entrance, the black male turns away from the officer and appears to place his left hand at or within his left sided coat pocket. At runtime 02:23, the black male runs away from PO Espenberg as the officer gives chase. At runtime 00:30, PO Espenberg places his radio near his face; however, at this point it is unclear what the officer is reporting due to lack of audio. At runtime 00:45, the black male reaches the front entrance in Manhattan as he opens the front door and enters the building. At runtime 00:51, PO Espenberg follows the male into the building and attempts to find him through a staircase and a hallway but is unsuccessful. At runtime 01:36, PO Espenberg reports over the radio that he observed a "male with a firearm," at the location near East 115th Street and 2nd Avenue. At runtime 02:00, the radio dispatcher requests a description of the suspect as PO Espenberg replies, "Male black approximately six-foot wearing a black jacket and navy-blue pants, sweatpants." At runtime 02:20, the dispatcher asks for confirmation of the description and PO Espenberg replies, "Male black approximately six-foot-one with a black jacket wearing navy-blue sweatpants." At runtime 02:30, PO Crespo is heard over PO Espenberg's radio that he has spotted the suspect.

At runtime 00:00 of PO Crespo's BWC footage (BR 04), the first minute of which has no audio, PO Crespo appears to be alone while operating his police vehicle within the vicinity of East 113th Street and 2nd Avenue in Manhattan. At runtime 00:26, PO Crespo exits the vehicle near in Manhattan as he runs to East 115th Street, and he does not appear to be chasing anyone. At runtime 00:46, the officer reaches the intersection of East 115th Street and 2nd Avenue as he looks back and forth before turning back towards and approaches PO Perrier. At runtime 01:00, PO Crespo activates his BWC as PO Perrier asks, "Where did they go?" and he replies, "They went up this way" as he points towards East 113th Street and describes the suspects as "two kids" wearing, "all black on black." At runtime 01:18, PO Crespo walks towards At runtime 01:30, PO Crespo explains to PO Perrier that just earlier he and PO Espenberg observed the suspects exit from a dead-end street, so PO Espenberg stopped the vehicle nearby before exiting the vehicle and chased the two suspects. While PO Crespo speaks, PO Espenberg's above-detailed radio transmission of a suspect description is audible. At timestamp 01:52, PO Crespo's BWC footage captures \$87(2)(b) in the background on the left walking away from PO Crespo. \$87(2)(b) is wearing a black hoodie with dark blue loose-fitting jeans and his dark hair is covering his ears and neck. The only exposed skin visible from behind are \$87(2)(b) sides. 88(2)(b) is the only individual captured on the sidewalk. At runtime 01:53, PO Espenberg is heard over the radio stating the suspect is a black male wearing a black jacket with navy-blue sweatpants. At runtime 01:55, PO Crespo then says, "Navy-blue sweatpants right there," as he looks and runs in \$87(2)(b) direction with PO Hiraldo-Garcia, who is ahead of PO Crespo. At runtime 02:00, PO Crespo speaks into his radio as he says, "Yo [Espenberg] I got eyes on him right now." PO Perrier runs past PO Crespo and heads toward \$87(2)(6) At runtime 02:02, PO Hiraldo-Garcia is the first officer to reach \$87(2)(b) holding his arms from behind to guide the front of his body against the side of a parked vehicle. PO Perrier approaches and grabs \$87(2)(b) left arm. At

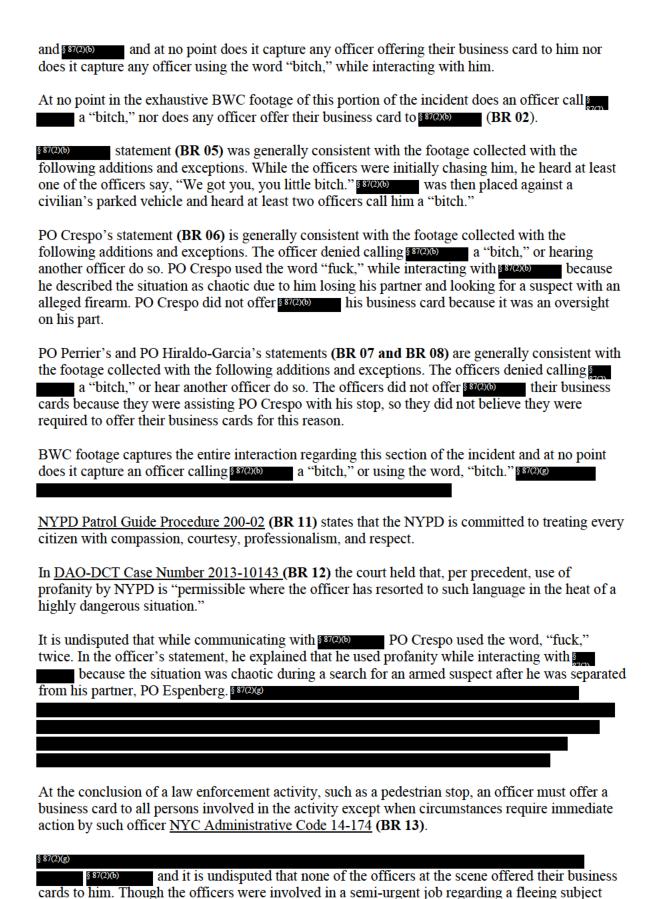


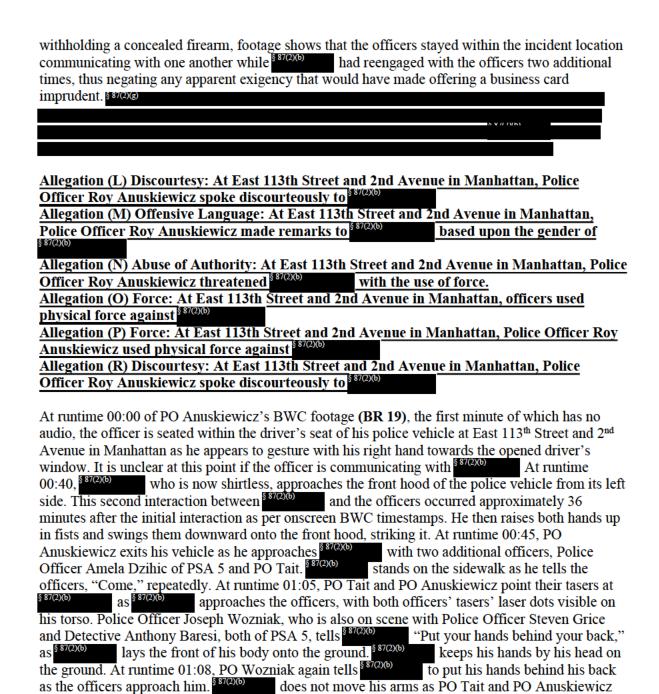
A stop report log search request for PSA 5 was made for the date of the incident and the search yielded negative results (BR 29).

<u>Patrol Guide Procedure 212-11</u> (**BR 09**) states that reasonable suspicion exists when the information known to the member of the service would make an ordinarily prudent and cautious police officer believe that a crime has been committed. A stop is any encounter between a civilian and uniformed member of service in which a reasonable person would not feel free to disregard the officer and walk away. A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed a felony or Penal Law misdemeanor.

Absent flight, a general description combined with spatial and temporal proximity to the scene of the reported crime will provide reasonable suspicion (<u>People v. Samuels</u>, 977 N.Y.S.2d 654 (**BR 10**)). With sufficient spatial and temporal proximity to the reported crime, and to police action related to the crime, even a partial match of a general description can provide reasonable suspicion (<u>People v. Brown</u>, 11 N.Y.S.3d 616 (**BR 30**)).

The officers' statements are consistent with the available video evidence. At PO Crespo's initial observation of \$87000 due to distance and positioning, he was unable to clearly distinguish \$6000 skin tone; \$87000
Though he was not wearing a jacket or sweatpants as reported by PO Espenberg, the black hoodie and loose-fitting navy-blue pants wore wore one of the policy
tone, he, PO Perrier, and PO Hiraldo-Garcia allowed him to leave. §87(2)(9)
tone, ne, i o i cirici, and i o imado-oareia anowed inin to leave.
Allegation (D) Discourtesy: Outside of in Manhattan, officers spoke
discourteously to § 87(2)(b)
Allegation (E) Offensive Language: Outside of in Manhattan, officers made
remarks to \$37(2)(0) based upon the gender of \$37(2)(0)
Allegation (F) Discourtesy: Outside of in Manhattan, Police Officer Emanuel
Crespo spoke discourteously to \$87(2)(b)
Allegation (G) Abuse of Authority: Outside of in Manhattan, Police Officer
Luis Hiraldo-Garcia failed to provide with a business card.
Allegation (H) Abuse of Authority: Outside of in Manhattan, Police Officer
Eric Perrier failed to provide \$87(2)(6) with a business card.
Allegation (I) Abuse of Authority: Outside of in Manhattan, Police Officer
Emanuel Crespo failed to provide \$57(2)6 with a business card.
with a business card.
At runtime 02:10 of PO Crespo's BWC footage (BR 04), PO Crespo tells that he is free to go, and save walks away from the officers. At runtime 02:22, \$37000 walks back
towards the officers as PO Crespo tells him, "Just go, just go," and go," and questions why the
officers stopped him. PO Crespo explains that they were "looking for somebody" and explains that
the individual they were looking for was not him. PO Crespo then tells \$87(2)(6) "Just walk bro,
what the fuck." [87(2)(6)] turns away from the officers and briefly walks away. At runtime 02:57,
turns back towards the officers. At runtime 03:09, as \$87(2)(0) walks toward PO
Crespo, the officer tells him, "Didn't I just tell you to leave, bro?" \$870.00 then turns away from
the officers once again and walks away from the scene. As \$870,000 is walking away, PO Crespo
says aloud, "The fuck." PO Crespo's BWC footage captures the entire incident between officers
says aroud, The fack. FO Crespo's BWC rootage captures the entire incident between officers





is held by officers as they wait for an ambulance to arrive at the location. At runtime $0\overline{4.38}$,

you. When I find you, I'm going to fuck the shit out of you." For approximately two minutes

hair and appears to shake his head.

grab both of his arms. Officers begin handcuffing him as PO Anuskiewicz places his left hand on head, holding it on the ground. As \$87(2)(6)

by police officers, he tells the officers "I didn't do anything, I promise," and PO Anuskiewicz replies, "Are you going to cry? Like a little bitch? Huh?" tells the officer, "Yes," as PO Anuskiewicz repeatedly states, "You going to cry?" At runtime 01:28, PO Anuskiewicz changes the

does not move his arms as PO Tait and PO Anuskiewicz

tone of voice, "Oh my god, oh my god." PO

tells PO Dzihic, "I'll kiss you, I'll fuck you, I'll rape

head and stands up as other officers finish handcuffing

threatens to "fuck" all of the officers. At runtime 02:09, after

top of the back of § 87(2)(6)

Anuskiewicz then grabs § 87(2)(6)

him. At runtime 01:45, \$87(2)(b) officers have stood

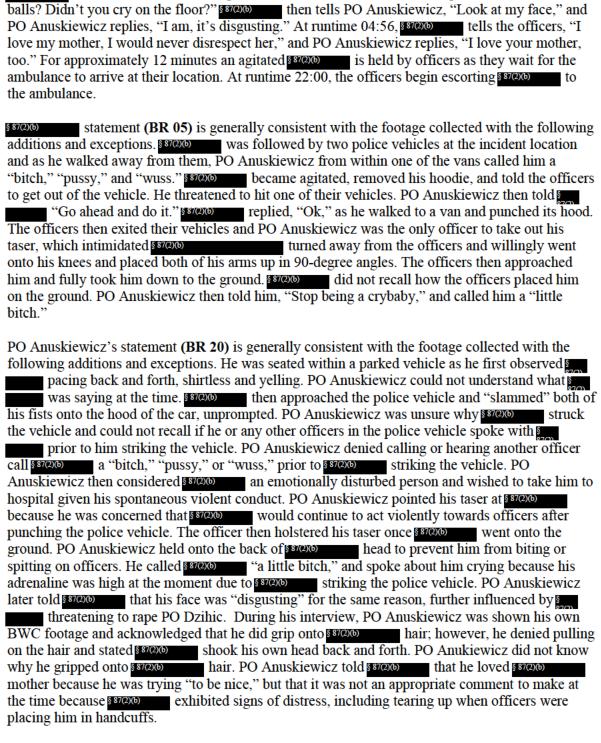
Anuskiewicz then let's go of \$87(2)(6)

inflection in an apparent imitation of

up,

is being handcuffed

cries out. PO



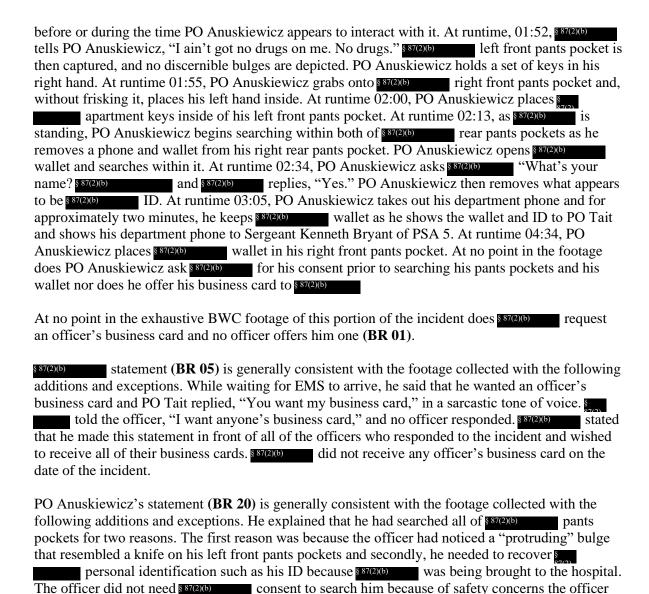
tells PO Anuskiewicz to "grow some balls." PO Anuskiewicz replies, "Grow some

<u>NYPD Patrol Guide Procedure 200-02</u> **(BR 11)** states that the NYPD is committed to treating every citizen with compassion, courtesy, professionalism, and respect.

<u>NYPD Administrative Guide Procedure 304-06</u> **(BR 14)** prohibits all officers from using discourteous or disrespectful remarks regarding another person's gender.

taser against a person who is actively resisting or to prevent said person from physically injuring themselves or other person(s). A taser should be used against person(s) who are exhibiting active aggression. Active aggression is defined as threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. An officer may point and place the laser dot of an activated taser on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning. It is undisputed that violently struck a police vehicle and made verbal threats to officers, including that he would rape them clearly exhibited violent behavior toward officers, clearly exhibited violent behavior to	None of the evidence collected by the investigation can corroborate statement that PO Anuskiewicz had called him a "bitch," "pussy," and "wuss," prior to exiting his vehicle given that there is no BWC audio during that section of the recording. The BWC footage of the incident does capture PO Anuskiewicz speaking discourteously and offensively to statement that PO Anuskiewicz speaking discourteously and offensively to statement that PO Anuskiewicz speaking that section of the recording. The BWC footage of the incident does capture PO Anuskiewicz speaking discourteously and offensively to statement that PO Anuskiewicz had called him a "bitch," by repeatedly and offensively to statement that PO Anuskiewicz had called him a "bitch," by repeatedly and offensively to statement that PO Anuskiewicz had called him a "bitch," by repeatedly and offensively to statement that PO Anuskiewicz had called him a "bitch," by repeatedly asking him if he was "going to cry," referencing having male genitalia in relation to "crying on the floor," by telling him that his face was "disgusting" and finally by telling him that he "love[d]" his mother.
taser against a person who is actively resisting or to prevent said person from physically injuring themselves or other person(s). A taser should be used against person(s) who are exhibiting active aggression. Active aggression is defined as threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. An officer may point and place the laser dot of an activated taser on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning. It is undisputed that violently struck a police vehicle and made verbal threats to officers, including that he would rape them. Signo clearly exhibited violent behavior toward officers, clearly exhibited violent behavior toward officers, and the ground in a prone position. This directly contradicted violent behavior toward officers took him onto the ground to handcuff him. NYPD Patrol Guide Procedure 221-01 and NYPD Patrol Guide Procedure 221-02 (BR 15) states that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping force to punish a civilian. BWC footage shows PO Anukiewicz gripping force was unable to provide a reason for that force head moves back and forth. PO Anuskiewicz was unable to provide a reason for that force the discourteous and offensive comments made by the officer during the physical interaction, the sudden and rapid movements of service may not be sounds of discomfort	
taser against a person who is actively resisting or to prevent said person from physically injuring themselves or other person(s). A taser should be used against person(s) who are exhibiting active aggression. Active aggression is defined as threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. An officer may point and place the laser dot of an activated taser on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning. It is undisputed that violently struck a police vehicle and made verbal threats to officers, including that he would rape them. Signo Clearly exhibited violent behavior toward officers, clearly exhibited violent behavior toward officers, and the ground in a prone position. This directly contradicted violent behavior toward officers took him onto the ground to handcuff him. Signo Clearly exhibited violent behavior toward officers took him onto the ground to handcuff him. Signo Clearly exhibited violent behavior toward officers took him onto the ground to handcuff him. Signo Clearly exhibited violent behavior toward officers took him onto the ground to handcuff him. Signo Clearly exhibited violent behavior toward officers, and the procedure 221-02 (BR 15) states that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping hair while he was on the ground as head moves back and forth. PO Anukiewicz was unable to provide a reason for that force the discourteous and offensive comments made by the officer during the physical interaction, the sudden and rapid movements of	
clearly exhibited violent behavior toward officers, clearly exhibited violent behavior toward officers toward offi	NYPD Patrol Guide Procedure 221-08 (BR 16) states that a police officer is allowed to use their taser against a person who is actively resisting or to prevent said person from physically injuring themselves or other person(s). A taser should be used against person(s) who are exhibiting active aggression. Active aggression is defined as threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. An officer may point and place the laser dot of an activated taser on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning.
Footage of the incident shows that prior to being handcuffed, statement that officers took him onto the ground in a prone position. This directly contradicted statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officer onto handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground to handcuff him. statement that officers took him onto the ground extensive that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping statement that officers took him onto the ground extensive that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping statement that officers took him onto the ground extensive the description of the discourted that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping statement that officers took him offic	It is undisputed that \$87000 violently struck a police vehicle and made verbal threats to officers, including that he would rape them. \$87000
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	ground in a prone position. This directly contradicted statement that officers took him onto the ground to handcuff him. STOOD NYPD Patrol Guide Procedure 221-01 and NYPD Patrol Guide Procedure 221-02 (BR 15) states that members of service may use the reasonable force necessary to gain compliance, control, or custody of an uncooperative subject. An officer shall not use any level of force to punish a civilian. BWC footage shows PO Anukiewicz gripping strong hair while he was on the ground as head moves back and forth. PO Anuskiewicz was unable to provide a reason for that force with the discourteous and offensive comments made by the officer during the physical interaction, the sudden and rapid movements of strong head, and what appear to be sounds of discomfort

Allegation (J) Discourtesy: At East 113th Street and 2nd Avenue in Manhattan, Police Officer
Jonathan Tait spoke discourteously to \$87(2)(b) Allogation (V) Offensive Languages At Fact 112th Street and 2nd Avenue in Manhattan
Allegation (K) Offensive Language: At East 113th Street and 2nd Avenue in Manhattan, Police Officer Jonathan Tait made remarks to \$87(2)(b) based upon the gender of \$87(2)(b)
based upon the gender of steep
Allegation (T) Abuse of Authority: At East 113th Street and 2nd Avenue in Manhattan, Police
Officer Jonathan Tait forcibly removed \$87(2)(6) to the hospital.
At runtime 01:00 of PO Tait's BWC footage (BR 17), PO Tait approaches (SS7(2)(b) on the sidewalk and tells him, "Come here, little bro." At runtime 01:13, PO Tait continues to follow (as (SS7(2)(b)) is walking away from him. While following (SS7(2)(b)) PO Tait repeatedly tells him to "come here." PO Tait then points his taser at (SS7(2)(b)) with a red dot hovering over upper torso. While the officer has his taser pointed at (SS7(2)(b)) he tells him, "Get the
fuck on the ground, bitch." places himself onto the ground in a prone position. At runtime 01:20, PO Tait stands in front of sar(2)(b) and bends down. Upon bending down, sar is captured flipped over with his back on the pavement and his arms guarding his torso and
face. PO Tait grabs and pulls onto both of \$\frac{87(2)(6)}{2}\$ wrists, and he flips \$\frac{87(2)(6)}{2}\$ back onto his stomach. While \$\frac{87(2)(6)}{2}\$ is being flipped over, PO Tait tells him, "Why you acting like a bitch?" At runtime 01:26, PO Tait takes \$\frac{87(2)(6)}{2}\$ left arm and places it behind his back as approximately four additional officers assist him in placing \$\frac{87(2)(6)}{2}\$ in handcuffs. PO Tait secures the handcuffs. At runtime 01:52, \$\frac{87(2)(6)}{2}\$ is fully handcuffed as PO Taits takes out his radio requests EMS to his location for an "EDP." For approximately 21 minutes, the officers wait
for EMS to respond to the location. At runtime 23:00, streaming, enters the ambulance with PO Tait as PO Tait tells one of the EMTs that streaming, and "hit a car."
statement (BR 05) is generally consistent with the footage collected with the following additions and exceptions. After \$\frac{87(2)(b)}{87(2)(b)}\$ was handcuffed, an officer asked \$\frac{87(2)(b)}{87(2)(b)}\$ if he would like to go to the hospital and he replied, "Yes," but was only interested in treatment for previous physical injuries. \$\frac{87(2)(b)}{87(2)(b)}\$ was then transported to \$\frac{87(2)(b)}{87(2)(b)}\$ to take sleeping drugs because they believed he was being too "aggressive and dangerous."
§ 87(2)(g)
Allegation (Q) Abuse of Authority: At East 113th Street and 2nd Avenue in Manhattan, Police Officer Roy Anuskiewicz searched [887(2)]
Allegation (S) Abuse of Authority: At East 113th Street and 2nd Avenue in Manhattan,
officers failed to provide street with a business card.
Allegation (U) Abuse of Authority: At East 113th Street and 2nd Avenue in Manhattan, Police
Officer Roy Anuskiewicz failed to provide with a business card.
At runtime 01:35 of PO Anuskiewicz's BWC footage (BR 19), while \$87(2)(b) is on the ground in handcuffs, PO Anuskiewicz approaches \$87(2)(b) left side and bends down. At runtime 01:49, PO Anuskiewicz's leans down to \$87(2)(b) who is on his back, and places his hand towards front left pants pocket and the sound of rustling items is subsequently heard. The pocket or
any potential bulges of the pocket, as well as PO Anuskiewicz's hands, are not clearly captured



Patrol Guide Procedure 212-11 (**BR 09**) states an officer may request consent to search; however, the consent must be voluntarily given. If said person does not consent to a search, the search cannot be conducted unless an initial frisk by an officer leads them to reasonably believe that the civilian is armed. New York City Administrative Code 14-173 (**BR 22**) states that exceptions to this rule are when such search is conducted pursuant to a warrant, any other exception to the warrant requirement under applicable law, probable cause of a weapon, or when such search is incident to a lawful arrest.

had regarding the weapon-shaped bulge. When shown the above-referenced BWC footage during his interview, PO Anuskiewicz was unable to identify the weapon-shaped bulge he saw because of the low quality of the footage. PO Anuskiewicz believed he might have searched all four of

pant pockets. PO Anuskiewicz did not offer \$87(2)(b) his business card because he was

Unlike a waistband bulge, telltale of a weapon, a pocket bulge could be caused by any number of innocuous objects. If the frisk reveals an object that is reasonably believed to be a weapon, the

not required to do so.

officer is permitted to enter clothing and remove it. <u>People v. DeBour</u>, 40 N.Y.2d 210 (1976) (BR 21).

NYPD Patrol Guide Procedure 216-02 (BR 23) states that, "if a person is unidentified and hospitalized, enter the hospital admission number under caption 'Admission #: if unidentified and hospitalized' on [the] aided report."

At the conclusion of a law enforcement activity, such as a frisk and search, an officer must offer a business card to all persons involved in the activity <u>Administrative Code 14-174</u> (BR 13).

Though the BWC footage does not corroborate PO Anuskiewicz's statement of there being a weapon-shaped bulge on second left pants pocket, second
BWC footage captures the majority of the incident and at no point does it capture street requesting business cards from multiple officers as alleged.
it is undisputed that the officer did not offer his business card to at any point afterwards. [887(2)(6)]
Allegation (V) Abuse of Authority: At \$87000 located at \$87000
in Manhattan, Police Officer Roy Anuskiewicz failed to provide \$\$70,00 with a business card. Allegation (W) Abuse of Authority: At \$\$70,00 located at \$\$70,00
in Manhattan, Police Officer Jonathan Tait failed to provide with a business card.
stated (BR 05) that he was brought to some by PO Tait and PO Anuskiewicz. The officers escorted him to the lobby of the hospital where he was made to wait for staff to assist him. While waiting in the lobby, he asked both officers for their business cards approximately four times and they both stayed silent.
At runtime 42:40 of PO Tait's BWC footage (BR 17), the ambulance arrives at and PO Tait escorts to the front entrance of the hospital. At runtime 43:18, 5500000000000000000000000000000000000

because PO Tait was his assigned partner. PO Anuskiewicz denied entering the hospital or speaking with save there. He did not know what save to discussed in the hospital with PO Tait. The NYPD's Department Advocate's Officer (DAO) confirmed that PO Tait resigned with permission from the NYPD on May 18, 2023 (BR 18). NYPD Administrative Guide Procedure 304-11 (BR 24) states that all officers must provide their business card to anyone who requests them to do so. Civilian and Officer CCRB Histories has been party to two other CCRB complaints as a witness in both (BR 25). PO Crespo has been a member of service for nine years and has been a subject in 11 other CCRB complaints and 27 other allegations, of which one was substantiated.

PO Anuskiewicz stated (BR 20) that once was placed inside the ambulance with PO

Tait, he entered his police vehicle and followed behind them to \$87(2)(b)

CCRB Case # 202302572

PO Hiraldo-Garcia has been a member of service for six years and has been a subject in four other CCRRB complaints and 14 other allegations, none of which were substantiated.

o #202103268 involved a substantiated allegation of a Stop against PO Crespo. The Board

PO Perrier has been a member of service for ten years and has been a subject in one other CCRB complaints and four other allegations, none of which were substantiated. [887(2)(8)

recommended command discipline and the NYPD imposed it.

§ 87(2)(g)

- PO Anuskiewicz has been a member of service for eight years and has been subject in three other CCRB complaints and 15 other allegations, of which one was substantiated.
 - 202005820 involved a substantiated allegation of a Threat of Force against PO Anuskiewicz. The Board recommended charges and the NYPD imposed instructions.
- PO Tait had been a member of service for an unknown period of time and had been a subject in one other CCRB complaints and one other allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- §87(2)(b) declined to mediate this complaint.
- As per the NYC Comptroller's Office, as of April 25, 2024, no Notice of Claim had been filed about this incident (BR 27).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

This compl	aint did not contain any alle	gations of Racial Profiling/Bias-E	Based Policing.
Squad No.:	17		
Investigator:	Kelly Guillon	Investigator Kelly Guillon	May 8, 2024
	Signature	Print Title & Name	Date
Squad Leader:	Benjamin Shelton	AIM Benjamin Shelton	05/09/2024
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date